

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The Department recalculated the petitioner's eligibility for benefits following her receipt of Social Security benefits. Her earned income was subjected to a \$90.00 per month disregard. The remainder, \$872.25, was added to her Social Security benefit of \$363.00 per month for a countable total of \$1,235.25. The petitioner was sent a notice dated September 15, 2000 that her benefits would end at

the end of September because her income was in excess of the maximum of \$1,044.00 for a household of one.¹

3. The petitioner does not dispute any of the figures used by the Department. She needs the health insurance because she is a cancer survivor and takes expensive medications to prevent reoccurrence. She also has a colostomy bag and suffers from diabetes. She must see doctors and buy supplies and medications for her conditions which she cannot afford on her income.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, earned income from wages and unearned income from Social Security benefits are included as countable income for eligibility. W.A.M. 4001.81(b) and (c). The only deduction for which the petitioner is eligible is a standard employment expenses deduction of \$90.00 per month. W.A.M. 4001.81(e). There are no deductions for medical expenses in the VHAP program.

¹ The petitioner lives with her adult son and daughter who are unemployed. Because they are over twenty-one they are not included in the same VHAP

The Department is correct that the petitioner now has countable income of \$1235.25 per month. The maximum for eligibility under the program for a single individual is \$1044 per month. P-2420 B (6). If the petitioner has income above that figure, she cannot be found eligible for VHAP. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17. The petitioner should be aware that if she is unable to pay for necessary medical care, she can apply for help through the General Assistance program and appeal if she is denied.

#

household. They each receive VHAP separately.